

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

GERALD K. SMITH,	:	Case No. 2:24-cv-02620
	:	
Plaintiff,	:	
	:	
vs.	:	District Judge Michael H. Watson
	:	Magistrate Judge Caroline H. Gentry
	:	
D. HOGAN, <i>et. al.</i> ,	:	
	:	
Defendants.	:	

**ORDER CONCERNING PLAINTIFF’S OPPOSITION TO
DEFENDANTS’ MOTIONS TO DISMISS**

This civil rights case is before the Court to consider Plaintiff’s recent filing styled as a “Motion to Remedy the Courts Electronic Filing Defect.” (Doc. No. 25.) In it, Plaintiff states that the prison librarian advised him that this Court’s e-filing system had a problem or defect on June 13, 2025. To ensure that the Court had received his previous submissions—namely, his Opposition to Defendants’ Motions to Dismiss (Doc. Nos. 22, 31), along with an inadvertently omitted Exhibit A—he attached them to the instant Motion.¹ (Doc. Nos. 35-1, 35-2.)

Plaintiff states, and it appears, that these documents were “SCANNED AT LoCI and E-Mailed To USDC OHSD” on June 14, 2025 and June 15, 2025, respectively. (*See* Doc. No. 35-1 [Plaintiff’s Opposition to Defendants’ Motions to Dismiss] and Doc. No.

¹ Defendant “united” his responses to both Motions to Dismiss in his Opposition. (*See* Doc. No. 35 at PageID 201 [“Also Defendant’s Robinson and Condrac’s Motion to Dismiss was submitted May 23, 2025. Plaintiff also responded to their Motion as He united his response to them i.e. Hogan, Robinson, Condrac, Taylor and Blackwell in His June 14th filing. (See Attachment)”].)

35-2 [the omitted Exhibit A], both bearing the usual and recognizable prison stamp concerning email conveyance.)

The Court therefore **CONSTRUES** Plaintiff's instant Motion as one to file his Opposition *instante* and **GRANTS** it. (Doc. No. 35.) Plaintiff's Opposition is **ACCEPTED**. The Clerk of Court is **DIRECTED** to file Plaintiff's Opposition to Defendants' Motions to Dismiss, including Exhibit A, separately on the docket. (Doc. Nos. 35-1 & 35-2.) Defendants Hogan, Condrac, and Robinson may file a Reply or Replies by **July 30, 2025**.

IT IS SO ORDERED.

/s/ Caroline H. Gentry
Caroline H. Gentry
United States Magistrate Judge